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10/539,194	04/20/2006	John Kerr	P17794-US1	2334
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ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			HO, HUY C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,194

Applicant(s)

KERR ET AL.

Examiner

Huy C. Ho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/23/2007 have been fully considered but they are not persuasive.

The argued features, i.e., a method for setting up a connection in a system for mobile telecommunications, comprising steps are performed by a call control node:

receiving a call set-up request message comprising an indication of at least two services and an identification of a called party; sending a routing information request message to a database for storing subscriber data, wherein the request comprises an identification of a first of the at least two services, an identification of the called party, and an indication that at least one further routing request message will be sent; responses to the request; determining that the response message comprises an indication that the database is adapted to process the indication that at least one further routing info request message will be sent; sending a further routing information request message comprising an identification of a further service, and receiving a further response message; analysing the received response messages; and, sending or not in dependence of the result of the analysis a call set-up request message to a further call control node, read upon Rasanen as follows.

Rasanen is discussing about a method for setting a communication link between users, this evolving in network elements such as controller entities as base station controllers, mobile switching centers MSCs, MSC servers (MSS), MSS gateway (MGW), serving entities for mobile stations (home register locations), thus these disclose database, where users information being extracted as necessary for routing request messages via the network (see the abstract, col 1 lines 50-67, col 2 lines 1-14, 39-62, col 4 lines 45-67, appropriate controller entities such as servers or switching entities are used in serving communication links between mobile stations in a wireless communication network).

Rasanen discusses signaling procedure where the mobile stations attempt to communicate successfully via a wireless link by sending information regarding at least two modes of communication during a call set up (see the abstract). Rasanen discusses indicators of these modes, e.g., speech and multimedia calls (see col 2 lines 15-38) are introduced during a setting up step for communication link between mobile stations, e.g., a first mobile station and a second mobile station; controller entities such as switching centers, home MSS (mobile switching server) (see col 2 lines 1-14, col 3 lines 3-30, 40-67, col 4 lines 1-25, 62-67, col 5 lines 1-5). Rasanen also discusses about indication of first mode (e.g., speech) being sent via the network link, some corresponding response as acknowledgements being sent back, a second mode (e.g., multimedia) is reserved during a call set up in case of a fallback from the first mode failure (see col 5 lines 14-67, col 6 lines 1-67, col 7 lines 1-65), thus these disclose all main argued features: receiving a call set-up request message comprising an indication of at least two services and an identification of a called party; sending a routing information request message to a database for storing subscriber data, wherein the request comprises an identification of a first of the at least two services, an identification of the called party, and an indication that at least one further routing request message will be sent; responses to the request; determining that the response message comprises an indication that the database is adapted to process the indication that at least one further routing info request message will be sent; sending a further routing information request message comprising an identification of a further service, and receiving a further response message; analyzing the received response messages; and, sending or not in dependence of the result of the analysis a call set-up request message to a further call control node.

As a result, the argued features are written such that they read upon the cited references.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 12-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanen et al. (7,181,202) and further in view of Houde (6,032,043).**

Consider claim 12, Rasanen teaches a method for setting up a connection in a system for mobile telecommunications, wherein the following steps are performed by a first call control node:

receiving a call set-up request message comprising an indication of at least two services and an identification of a called party (see the abstract, col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67);

sending a routing information request message to a database for storing subscriber data, wherein the request comprises an identification of a first of the at least two services, an identification of the called party, and an indication that at least one further routing request message will be sent (see the abstract, col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67);

receiving a response message from the database (see the abstract, col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67);

Rasanen does not specifically show determining that the response message comprises an indication that the database is adapted to process the indication that at least one further routing info request message will be sent, however, Rasanen describes some appropriate server entities being used in the communication network for implementing the procedure of handling at least two services (col 1 lines 52-65, col 2 lines 38-51). In an analogous art, Houde teaches determining that the response message comprises an indication that the database is adapted to process the indication that at least one further routing info request message will be sent (see figures 1, 3, 5 6 and 7, the abstract, col 1 lines 30-50, col 3 lines 40-46). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify and incorporate Houde teachings into Rasanen invention to have the feature of determining that the response message comprises an indication that the database is adapted to process the indication that at least one further routing info request message will be sent.

Rasanen, modified by Houde, further teaches sending a further routing information request message comprising an identification of a further service, and receiving a further response message (see the abstract, col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67); and

analyzing the received response messages (see the abstract, col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67); and,

sending or not in dependence of the result of the analysis a call set-up request message to a further call control node (see the abstract, col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67).

Consider claim 14, Rasanen teaches a method for setting up a connection in a system for mobile telecommunications, wherein the following steps are performed by a database for storing subscriber data:

receiving a routing information request message comprising an identification of a first service, an identification of a called party, and an indication that at least one further routing request message will be sent (see the abstract, col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67);

checking subscriber data of the called party (see the abstract, col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67);

determining that the requested service is permitted for a connection to the called party (col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67);

fetching a number for further setting up of the connection towards the called party (col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67);

preparing a response message related to the result of the check (col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67); and,

sending the response message comprising the number for further setting up and an indication that the database is adapted to process the indication that at least one further routing info request message will be sent (col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67).

Consider claim 23, Rasanen teaches a call control node comprising:

a message generation unit for generating a first routing information request message with an indication of a first service, an identification of a called party and an indicator that at least one further routing request message will be sent, and for generating at least one further routing request message comprising an indication of a second service (col 3 lines 4-16 and lines 40-67, col 4 lines 1-3, 60-67, col 5 lines 1-67, col 6 lines 5-67).

Consider claim 25, A database for storing subscriber data, comprising:

Rasanen does not specifically show a processing unit adapted to process an indication received in a routing information request message indicating that at least one further routing request message will be sent, wherein a mobile station roaming number is fetched and sent only in response to a first routing information request message for a connection and wherein an indication is returned in said response indicating that the database is adapted to handle the received indicator, however, it is noticeable that Rasanen discloses the major idea in a procedure of setting up a wireless communication for handling at least two services of communication via a wireless network, also, the disclosure of switching centers MSC's, servers being used in the communication network infrastructure for carrying out the necessary tasks (col 4 lines 47-67, col 5 lines 10-67 and col 6 lines 4-32). In an analogous art, Houde teaches a processing unit adapted to process an indication received in a routing information request message

indicating that at least one further routing request message will be sent, wherein a mobile station roaming number is fetched and sent only in response to a first routing information request message for a connection and wherein an indication is returned in said response indicating that the database is adapted to handle the received indicator (the abstract, col 3 lines 40-67, col 4 lines 12-59, col 6 lines 10-27, lines 50-67, col 8 lines 57-67, col 9 lines 1-15, col 10 lines 9-33). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify and incorporate Houde teachings into Rasanen invention to have the feature of a processing unit adapted to process an indication received in a routing information request message indicating that at least one further routing request message will be sent, wherein a mobile station roaming number is fetched and sent only in response to a first routing information request message for a connection and wherein an indication is returned in said response indicating that the database is adapted to handle the received indicator.

Consider claim 13, The method recited in claim 12, Rasanen, modified by Houde, teaches wherein the step of sending a further routing information request is repeated until a routing information request message is sent for each service indicated in the call set-up message (col 2 lines 5-40, col 4 lines 13-30, 54-67, col 5 lines 1-10).

Consider claim 15. The method recited in claim 14, Rasanen, modified by Houde, teaches wherein in response to receiving the further routing information request message, the steps of checking, preparing and sending are performed, and wherein a response message is sent that does not comprise a mobile station roaming number.

Consider claims 16, 22 and 24, The method recited in claims 12, 17 and 23, Rasanen, modified by Houde, further teaches wherein the first call control node is a gateway mobile services switching centre (figure 1, col 2 lines 1-13, lines 52-62).

Consider claims 17, 26 and 28, The method recited in claims 12, 19 and 25, Rasanen, modified by Houde, teaches wherein the database is a home location register or a home subscriber server (figure 1, col 3 lines 40-67).

Consider claim 18. The method recited in claim 12, Rasanen, modified by Houde, teaches wherein the number is a mobile station roaming number or a forwarded to number (col 2 lines 25-40, col 7 lines 25-65, col 8 lines 55-67).

Consider claim 19, the method recited in claim 12, Rasanen, modified by Houde, teaches wherein the routing request message is a send routing information message (col 7 lines 25-67 and col 8 lines 1-35).

Consider claim 20. The method recited in claim 12, Rasanen, modified by Houde, teaches wherein the response message is a send routing information result message (col 6 lines 50-67, col 8 lines 5-35 and col 9 lines 15-60).

Consider claim 21. The method recited in claim 12, Rasanen, modified by Houde, further teaches wherein the call set-up request message is an initial address message (col 6 lines 10-32).

Consider claim 27. The database recited claim 25, Rasanen, modified by Houde, teaches wherein the database is an authentication, authorization and accounting server (col 4 lines 12-50, col 6 lines 50-67).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing

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date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy C. Ho whose telephone number is (571) 270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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